

COUNTY OF KAUAI
Minutes of Meeting
Open Session

Board/Committee:	LIQUOR CONTROL COMMISSION	Meeting Date	May 5, 2016
Location	Mo'ikeha Building, Meeting Room #3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:08 p.m.
Present	Vice Chair Shirley Akita; Members: William Gibson, Jean Iida, Dane Oda, Gary Pacheco Also: Liquor Control Staff: Liquor Investigator Lorenzo Moises, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson		
Excused	Chair Gerald Matsunaga; Commissioner Paul Endo		
Absent			

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SUBJECT	DISCUSSION	ACTION
Call To Order		Vice Chair Akita called the meeting to order at 4:00 p.m. with 5 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 6 members were present.	
Approval of the Agenda		Ms. Iida moved to approve the agenda. Mr. Oda seconded the motion. Motion carried 5:0.
Violation Hearings	<p>(a) <u>KAPAA CHEVRON</u>: Violation of HRS 281-31(s) Licenses, classes</p> <p>Mr. Descoe Chentnik, General Manager of Operations, was present; no counsel. The licensee admitted to the charges, but provided the following explanation:</p> <p>Mr. Chentnik explained that the first instance that the Liquor Investigator came to ask for the Liquor Liability Insurance was during the graveyard shift, after documents had been moved around. The cashier did not know where the paperwork was located, so she called the manager who explained where it was at. However, by the time she was able to locate the</p>	

	<p>documents, the Investigator had left. On Tuesday, the 4th, the Investigator returned and again asked for the Liquor Liability Insurance papers during the graveyard shift. The person working at the time was new, and was also unsure where the documents were, so she called the manager. While on the phone with the manager who was instructing her where to find the paperwork while the Investigator stood waiting for her. When she was unable to immediately find it, the Investigator walked out, but as he did, the cashier found the document and held it up, calling out to the Investigator that she had found it. However, the Investigator told her it was too late and left. The following morning, Mr. Chentnik stated he flew over, and dropped off a copy of the Liquor Liability insurance to the Department, noting that the document WAS on site.</p> <p>Commissioner Pacheco asked Mr. Chentnik was familiar with the Rules and Regulations of the Liquor Control Commission, and how important they are to which Mr. Chentnik replied yes. Mr. Pacheco stated it is the General Manager's responsibility to have the documents available, and those documents need to be in an area that is known to all employees as it is not the cashier's responsibility to chase after information to locate it. Whoever moved the documents is responsible to inform others where they are.</p> <p>The violation hearing was closed.</p>	<p>Mr. Gibson moved that a fine of \$100 be imposed. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
	<p>(b) <u>JO2 RESTAURANT</u>:</p> <p>Ms. Nantarat Johnson, owner, was present; no counsel. The licensee admitted to the charges.</p> <p>Ms. Johnson explained that she forgot to keep the insurance documents on site.</p> <p>The violation hearing was closed.</p>	<p>Mr. Gibson moved that a fine of \$100 be imposed. Ms. Iida seconded the motion. Motion carried 5:0.</p>

	<p>(c) <u>SHERATON KAUAI RESORT (GARDEN)</u>:</p> <p>Mr. Jacob Vogelgesang, Director of Food and Beverage, was present; no counsel. The licensee admitted to the charges.</p> <p>Mr. Vogelgesang stated, as Commissioner Pacheco had stated to previous licensees, that he understands the importance of having the required documents on site, and since the issuance of the violation, he has ensured the Liquor Liability Insurance documents are attached to the Rules and Regulations, and are on site.</p> <p>The violation hearing was closed.</p>	<p>Mr. Gibson moved that a fine of \$100 be imposed. Ms. Iida seconded the motion. Motion carried 5:0.</p>
	<p>(d) <u>SHERATON KAUAI RESORT (OCEAN)</u>:</p> <p>Mr. Jacob Vogelgesang, Director of Food and Beverage, was present; no counsel. The licensee admitted to the charges.</p> <p>The violation hearing was closed.</p>	<p>Ms. Iida moved that a fine of \$100 be imposed. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
	<p>(e) <u>SHERATON KAUAI RESORT LINK CAFÉ</u>:</p> <p>Mr. Jacob Vogelgesang, Director of Food and Beverage, was present; no counsel. The licensee admitted to the charges.</p> <p>The violation hearing was closed.</p>	<p>Ms. Iida moved that a fine of \$100 be imposed. Mr. Oda seconded the motion. Motion carried 5:0.</p>
	<p>(f) <u>MARIACHI’S MEXICAN CUISINE</u>: Violation of Rule 7.8(a) Manager on Duty, qualifications.</p>	

	Director Rapozo noted the licensee had a submitted a letter requesting a continuance of the violation hearing until the May 19, 2016 meeting.	Mr. Pacheco moved to approve the request for continuance. Mr. Gibson seconded the motion. Motion carried 5:0.
Approval of the Minutes	<u>MINUTES OF THE MEETINGS OF APRIL 21, 2016</u>	Ms. Iida moved to approve the minutes. Mr. Pacheco seconded the motion. Motion carried 5:0.
1.	<p><u>DIRECTOR'S REPORT:</u></p> <p>a) <u>INVESTIGATORS' REPORTS</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From The Wine Group</p> <p>(2) Disturbance Reports from Trees Lounge, and St. Regis Princeville Resort</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(1) To The Wine Group</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(1) BANGKOK HAPPY BOWL THAI BISTRO</p> <p>(2) DUKE’S CANOE CLUB</p> <p>(3) KAUAI MARRIOTT RESO</p> <p>(4) TREES LOUNGE</p> <p>(5) TROY’S</p> <p>(6) ST. REGIS PRINCEVILLE RESORT</p> <p>(7) THE WINE SHOP</p> <p>(8) KAUAI UNITED WAY</p>	

	f) <u>INFORMATIONAL MATTERS:</u>	Mr. Gibson moved to receive Items 1(a) through (f). Ms. Iida seconded the motion. Motion carried 5:0.
2.	<u>EXEMPTION OF RULE 7.12(c)</u> <u>KAUAI BEACH RESORT:</u> Kapaa High School Project Grad event in the Jasmine Ballroom from 10:00 p.m. on May 20, 2016 to 6:00 a.m. on May 21, 2016.	Ms. Iida moved to call licensee for violation hearing. Mr. Pacheco seconded the motion. Motion carried 5:0.
3.	<u>EXTENSION IN TIME TO EXERCISE LIQUOR LICENSE:</u> (a) <u>KAUAI BAR:</u> Request for extension in time for a period of 1-year to exercise Application No. 2014-80 which was approved on April 3, 2014 Mr. James Jasper, owner, was present. He explained that "Kauai Bar" is now named "The Wine Bar". Mr. Jasper explained that the delay has been due to the attempt to retro-fit the old building up to current standards, and going through the process with the Planning and Building division. The Wine Bar was an old camera shop, so it requires extensive changes, and he will need another year to accomplish this. In response to Commissioner Akita, Mr. Jasper stated no construction is being done yet as he is still waiting for a Certificate of Occupancy, which is a part of the Use Permit required by the Planning Department to operate a Restaurant on commercially zoned property. Commissioner Akita asked should the extension be granted, what is hoped to be accomplished in that time that has not yet occurred up until this point	

	<p>to which Mr. Jasper replied he anticipates having his permits, and the financing required to build this project.</p> <p>Commissioner Iida suggested he ask for a 2-year extension so that he does not have to come back so soon. Mr. Jasper referenced problems he encountered on past projects, which he attributed to certain County departments, and how those issues prevented one of his projects from moving forward.</p> <p>Commissioner Akita asked if there are limits to the extension to which Director Rapozo explained there are no limits to extensions should the Commission be compelled to grant them.</p> <p>Commissioner Iida asked whether they could give a 2-year extension to which Deputy County Attorney Courson stated it is within the Commission's discretion. However, he cautioned that they need to treat each applicant fairly, and must be consistent.</p> <p>Commissioner Oda expressed concern that should they grant a 2-year extension, should other applications be approved, which affects the concentration of similar establishments in that area, it may affect the approval of this application in the future. Mr. Jasper replied, so what? It's not against the law.</p> <p>Deputy Courson suggested if the Commission wishes to grant an extension that they do so for 1-year, noting that approving a 2-year extension will set a precedence.</p> <p>Commissioner. Iida moved to approve a 1-year extension to exercise App. No. 2014-80. Commissioner Gibson seconded the motion.</p>	
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	Commissioner Pacheco stated he would like to amend the motion to include the condition that the Commission receive a written update on the progress of the project within a 6-month period.	Mr. Pacheco moved to amend the original motion to include a 6-month written progress report. Mr. Oda seconded the motion. Motion carried 4:1 (Iida – Silent) Ms. Iida moved to approve a 1-year extension in time to exercise license for App. No. 2014-80, with the condition that a written progress report be submitted to the Commission within 6-months. Mr. Gibson seconded the motion. Motion carried 5:0
	(b) <u>KAUAI CAFÉ</u> : Request for extension in time for a period of 1-year to exercise Application No. 2015-31 which was approved on December 4, 2014.	Mr. Pacheco moved to approve a 1-year extension in time to exercise license for App. No. 2015-31, with the condition that a written progress report be submitted to the Commission within 6-months. Mr. Oda seconded the motion. Motion carried 5:0
Announcements	Next Scheduled Meeting: Thursday, May 19, 2016 – 4:00 pm, Mo'ikeha Building, Meeting Room #3.	
Adjournment		Vice Chair Akita adjourned the meeting at 4:08 p.m.

Submitted by: _____
Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
Shirley Akita, Vice Chair